




Doc Code: AP.PRE.REQ

PTO/SB/33 (12-08)
Approved for use through 01/31/2009. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2967	
		Application Number 10/799,617-Conf. #8418	Filed March 15, 2004
		First Named Inventor Koji Tsukimori	
		Art Unit 2111	Examiner F. M. Zaman
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 24,104/40,290</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p>		<p> Signature</p> <p>Ronald P. Kananen/Christopher M. Tobin Typed or printed name</p> <p>(202) 955-3750 Telephone number</p> <p>January 22, 2009 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			

<input checked="" type="checkbox"/> *Total of 1 forms are submitted.
--



Docket No.: SON-2967
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koji Tsukimori et al.

Application No.: 10/799,617

Confirmation No.: 8418

Filed: March 15, 2004

Art Unit: 2111

For: EDITING SYSTEM

Examiner: F. M. Zaman

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

This is in full and timely response to the Office Action mailed on December 16, 2008.
Reexamination in light of the following remarks is respectfully requested.

Claims 9-36 are currently pending in this application, with claims 9, 16, 20, 23 and 32 being independent. *No new matter has been added.*

Reexamination in light of the following remarks is respectfully requested.

Paragraph 3 indicates a rejection of claims 9-36 under 35 U.S.C. §103 as allegedly being unpatentable over the Description of the Related Art (AAPA) and U.S. Patent No. 5,680,596 (Iizuka).

This rejection is traversed at least for the following reasons.

Claims 9-36 - The claims include:

a computer (2)	a timing notice apparatus (4)
a computer interface unit (26)	a controller (11)
an acquisition command (C1)	a timing generation unit (12)
a timing notice signal (S2, S3)	a reference signal (S1)

Figure 2 of the specification as originally filed is provided hereinbelow.

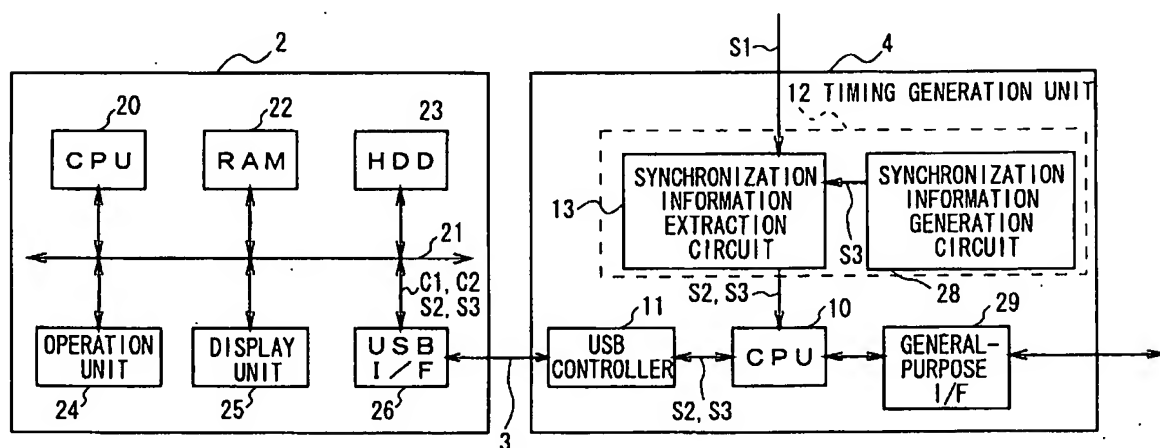


FIG. 2

AAPA - The Description of the Related Art (AAPA) may be found within the specification as originally filed at page 1, line 8, through page 2, line 6.

In particular, the specification as originally filed beginning at page 1, line 8 provides that:

In the conventional editing system, in some cases, a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.

However, page 3 of the Office Action readily admits that AAPA fails to teach:

- a computer having a computer interface unit, said computer interface unit being adapted to transmit an acquisition command and to receive a timing notice signal;
- said controller being adapted to receive said acquisition command and to transmit said timing notice signal,
- said timing notice apparatus transmits said timing notice signal upon receipt of said acquisition command, said timing notice signal being transmitted according to a predetermined timing of image data.

Iizuka - The Office Action contends that Iizuka discloses the presence of a computer having a computer interface unit (18) adapted to transmit an acquisition command (tuning data request command) and to receive a timing notice signal (tuning data signals) (Office Action at page 3).

The Office Action further contends that Iizuka discloses the presence of a timing notice apparatus (2) (Office Action at page 3).

In response to these contentions, *the timing notice signal* within the claims of the present invention is *frame synchronization information that has been extracted from a reference signal*.

However, the Office Action *fails to show* where within Iizuka there is to be found a reference signal.

Additionally, the Office Action *fails to show* where within Iizuka there is to be found that the alleged timing notice apparatus (2) is adapted to extract frame synchronization information from a reference signal.

Furthermore, the Office Action *fails to show* that the alleged tuning data signals are frame synchronization information that has been extracted from the reference signal.

As a result, the Office Action *fails to show* the presence of a timing notice signal within Iizuka.

In the absence of timing notice signal, Iizuka also *fails* to disclose, teach, or suggest:

- a computer having a computer interface unit, said computer interface unit being adapted to transmit an acquisition command and to receive a *timing notice signal*;
- said controller being adapted to receive said acquisition command and to transmit said *timing notice signal*;
- said timing notice apparatus transmits said *timing notice signal* upon receipt of said acquisition command, said *timing notice signal* being transmitted according to a predetermined timing of image data.

Combination of AAPA and Iizuka - Regarding, AAPA, the specification as originally filed beginning at page 1, line 8 provides that in the conventional editing system, in some cases, a *personal computer* is provided with a *reference signal* in which *frame synchronization information* is sequentially stored under timing indicative of temporal beginning of a temporally consecutive

frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.

While Iizuka arguably teaches the presence of a computer 1 and a printer 2 (Iizuka at Figure 2, column 3, line 3), Iizuka fails to disclose, teach, or suggest the printer 2 as extracting the frame synchronization information from the reference signal.

Thus, the Office Action fails to show why the skilled artisan would have been motivated to combine AAPA with Iizuka.

But even if the skilled artisan would have been motivated to combine AAPA with Iizuka, the combination of AAPA and Iizuka fails to show all features of the claimed invention.

AAPA and Iizuka, either individually or as a whole, fail to disclose, teach, or suggest all features of the claims found within the present application.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Dated: January 22, 2009

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant